

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
FAITH GREEN YOUNG, as Administratrix  
of the Estate of her husband JAMES YOUNG,

12 Civ. 4190 (WFK)(RER)

Plaintiff,

-against-

**DECLARATION OF FAITH  
GREEN YOUNG IN SUPPORT  
OF ORDER OF COMPROMISE**

CITY OF NEW YORK; New York City Police ("NYPD")  
Detective JAMES RIVERA, Shield # 5027;  
NYPD Detective EDWARD SINCLAIR, Shield # 5116;  
NYPD Detective WARRAN ROHAN, Shield # 2378;  
NYPD Detective WALIUR RAHMAN, Shield # 6428;  
NYPD Detective SAMUEL LALLAVE, Shield # 3824;  
and NYPD Lieutenant JOHN COSTIN,

Defendants.  
-----X

FAITH GREEN YOUNG, being duly sworn, deposes and says:

1. I am the plaintiff in the above-captioned action, which arose out of the death of my husband, James Young. I am also the Administrator of the Estate of James Young. (a Certificate of Letters of Administration is attached hereto as Exhibit A). I submit this declaration, pursuant to N.Y. E.P.T.L. § 5-4.6, to request that the Court approve a settlement of Eight Hundred Thirty-Two Thousand Five Hundred Dollars (\$832,500.00) that I entered into with defendants in this case, and to approve attorneys' fees and disbursements of my counsel, Emery Celli Brinckerhoff & Abady LLP ("ECBA") and Siegel Teitelbaum & Evans, LLP ("STE").

2. On June 3, 2011, my husband—James Young—became unconscious as he was being arrested by members of the New York City Police Department ("NYPD"). My husband fell into a coma and ultimately died four months later.

3. On August 22, 2012, represented by ECBA and STE, I brought a wrongful

death claim and related state and federal Section 1983 claims in this Court against the City of New York and a number of individual NYPD officers.

4. On September 14, 2012, I was appointed to serve as the Administrator of the Estate of James Young by the Surrogate's Court, Kings County.

5. ECBA and STE have represented me since the beginning of this case.

6. Defendants offered \$832,500.00 to settle this case. After careful consideration with my lawyers, I agreed to accept the settlement offer and entered into the Stipulation of Settlement and Order of Dismissal (*See* Exhibit B, attached hereto).

7. I believe that the settlement is fair and reasonable and should be accepted for the best interests of the Estate of James Young.

8. I retained ECBA and STE to represent me as Administrator of the Estate of James Young in this litigation. Under our retainer agreement, ECBA and STE are to receive disbursements plus one-third of the total award. In view of the results achieved and in accordance with the retainer agreement, I request that the Court approve a total legal fee as follows: an attorneys' fee of 33.33% of the settlement, or \$277,500.00, together with disbursements of \$10,837.21, which amounts to a total payment of \$288,337.21, first be deducted from the \$832,500.00 settlement and paid to ECBA to be distributed amongst my counsel. I further request that \$11,250, representing my counsels' future anticipated costs in connection with the upcoming estate distribution proceeding, then be deducted and placed in an interest-bearing escrow account.



9. As soon as this Court approves the Stipulation of Settlement and attorneys' fees/costs, and the settlement amount is paid to ECBA, I will file a petition with the Surrogate's Court in Kings County to resolve the distribution of the estate.

10. For the reasons stated above, I request that the Court sign the Order of Compromise attached hereto as Exhibit C, approve the settlement and attorneys' fees/costs pursuant to N.Y. E.P.T.L. § 5-4.6, and grant such other relief as is just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 30, 2014  
New York, New York

  
FAITH GREEN YOUNG

 5/30/14  


# Exhibit A



C20 (Rev. 1/07)

Certificate# 44487

**Surrogate's Court of the State of New York  
Kings County  
Certificate of Appointment of Administrator**

File #: 2012-2799

IT IS HEREBY CERTIFIED that Letters in the estate of the Decedent named below have been granted by this court, as follows:

Name of Decedent: **James Young** Date of Death: **October 9, 2011**  
Domicile: **Kings County**  
Fiduciary Appointed: **Faith Green Young**  
Mailing Address: **650 Gates Avenue  
Apt 6A  
Brooklyn NY 11221**

Type of Letters Issued: **LETTERS OF ADMINISTRATION WITH LIMITATIONS**

Letters Issued On: **September 14, 2012**

Limitations: **BOND HAVING BEEN DISPENSED WITH PURSUANT TO SCPA 801**

**THE ADMINISTRATOR IS RESTRAINED FROM COLLECTING AND ADMINISTERING MORE THAN \$10,000.00, IN PERSONAL ASSETS BELONGING TO THE DECEDENT WITHOUT FURTHER ORDER FROM THIS COURT.**

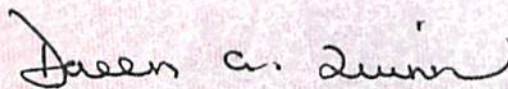
**AND SAID ADMINISTRATOR IS HEREBY RESTRAINED FROM COMPROMISING ANY CAUSE OF ACTION UNTIL FURTHER COURT ORDER PURSUANT TO EPTL 5-4.6 AND UPON FILING A SATISFACTORY BOND OR SECURITY.**

and such Letters are unrevoked and in full force as of this date.

**Dated: September 19, 2012**

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Kings County Surrogate's Court at Brooklyn, New York.

WITNESS, Hon. Diana A Johnson, Judge of the Kings County Surrogate's Court.



Doreen A. Quinn, Chief Clerk  
Kings County Surrogate's Court

*This Certificate is Not Valid Without the Raised Seal of the Kings County Surrogate's Court*



# Exhibit B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
FAITH GREEN YOUNG, as Administratrix of the Estate of  
her husband, JAMES YOUNG,

Plaintiff,

-against-

CITY OF NEW YORK; New York City Police ("NYPD")  
Detective JAMES RIVERA, Shield # 5027; NYPD Detective  
EDWARD SINCLAIR, Shield # 5116; NYPD Detective  
WARREN ROHAN, Shield #2378; NYPD Detective  
WALIUR RAHMAN, Shield #6428; NYPD Detective  
SAMUEL LALLAVE, Shield #3824; and NYPD Lieutenant  
JOHN COSTIN,

Defendants.

**STIPULATION AND  
ORDER OF DISMISSAL**

12 Civ. 4190 (WFK) (RER)

----- X  
**WHEREAS**, the parties have reached a settlement agreement and now desire to  
resolve the remaining issues raised in this litigation, without further proceedings and without  
admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, that

1. The above-referenced action is hereby dismissed with prejudice; and

2. Notwithstanding the dismissal of this action in accordance with this agreement, the District Court shall continue to maintain jurisdiction over this action for the purpose of enforcing the terms of the settlement agreement reached between the parties and set forth in the Stipulation of Settlement executed by the parties in this matter.

Earl S. Ward  
Emery Celli Brinckerhoff & Abady LLP  
75 Rockefeller Plaza  
20th Floor  
New York, NY 10019  
(212) 763-5000

ZACHARY W. CARTER  
Corporation Counsel of the City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007  
(212) 356-2385

By:  4/20/14

Earl S. Ward  
Attorney for plaintiff FAITH GREEN  
YOUNG, as Administratrix of the  
Estate of her husband, JAMES  
YOUNG

By:  4/30/14

Dara Olds  
Senior Counsel

Norman Siegel  
Siegel, Teitelbaum & Evans, LLP  
260 Madison Avenue  
22nd Floor  
New York, NY 10016  
(212) 455-0300

By:  4/29/14

Norman Siegel  
Attorney for plaintiff FAITH GREEN  
YOUNG, as Administratrix of the  
Estate of her husband, JAMES  
YOUNG

SO ORDERED:  
s/WFK

HONORABLE WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
FAITH GREEN YOUNG, as Administratrix of the Estate of  
her husband, JAMES YOUNG,

Plaintiff,

-against-

CITY OF NEW YORK; New York City Police ("NYPD")  
Detective JAMES RIVERA, Shield # 5027; NYPD Detective  
EDWARD SINCLAIR, Shield # 5116; NYPD Detective  
WARREN ROHAN, Shield #2378; NYPD Detective  
WALIUR RAHMAN, Shield #6428; NYPD Detective  
SAMUEL LALLAVE, Shield #3824; and NYPD Lieutenant  
JOHN COSTIN,

Defendants.

**STIPULATION OF  
SETTLEMENT**

12 Civ. 4190 (WFK) (RER)

-----X  
**WHEREAS**, plaintiff FAITH GREEN YOUNG, as Administratrix of the Estate  
of her husband, JAMES YOUNG, commenced this action by filing a complaint on or about  
August 22, 2010, alleging that the defendants violated the federal civil and state common law  
rights of her husband JAMES YOUNG; and

**WHEREAS**, defendants have denied any and all liability arising out of the  
allegations of plaintiff FAITH GREEN YOUNG, as Administratrix of the Estate of her husband,  
JAMES YOUNG; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees except as specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff FAITH GREEN YOUNG, as Administratrix of the Estate of her husband, JAMES YOUNG, the total amount of **EIGHT HUNDRED AND THIRTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$832,500.00)** in full satisfaction of all claims against all defendants, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff FAITH GREEN YOUNG, as Administratrix of the Estate of her husband, JAMES YOUNG, agrees to dismissal of all the claims against defendants and to release defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of JAMES YOUNG's, civil rights and any and all related state law claims, from the beginning of the world to the date of the General Release, including claims for costs, expenses, and attorneys' fees.

3. Plaintiff FAITH GREEN YOUNG, as Administratrix of the Estate of her husband, JAMES YOUNG, shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens. Prior to tendering the requisite documents to effect this settlement, Medicare-recipient plaintiff must obtain and submit a final demand letter from Medicare for the reimbursement of any conditional payments made by Medicare for any injury or condition that is the subject of this lawsuit. A

Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated the rights of JAMES YOUNG, or the rights of plaintiff FAITH GREEN YOUNG, as Administratrix of the Estate of her husband, JAMES YOUNG, or of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. Plaintiff FAITH GREEN YOUNG, as Administratrix of the Estate of her husband, JAMES YOUNG, agrees to hold harmless defendants regarding any liens or past and/or future Medicare payments, presently known or unknown, in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendant reserves the right to issue a multiparty settlement check naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

7. This Stipulation of Settlement contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation of Settlement regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Earl S. Ward  
Emery Celli Brinckerhoff & Abady LLP  
75 Rockefeller Plaza  
20th Floor  
New York, NY 10019  
(212) 763-5000

By: 

Earl S. Ward  
Attorney for Plaintiff FAITH GREEN  
YOUNG, as Administratrix of the  
Estate of her husband, JAMES  
YOUNG

ZACHARY W. CARTER  
Corporation Counsel of the City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007  
(212) 356-2385

By:  4/30/14

Dara Olds  
Senior Counsel

Norman Siegel  
Siegel, Teitelbaum & Evans, LLP  
260 Madison Avenue  
22nd Floor  
New York, NY 10016  
(212) 455-0300

By:  4/24/14

Norman Siegel  
Attorney for Plaintiff FAITH GREEN  
YOUNG, as Administratrix of the  
Estate of her husband, JAMES  
YOUNG

**SO ORDERED:**

HONORABLE WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

# Exhibit C



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
FAITH GREEN YOUNG, as Administratrix  
of the Estate of her husband JAMES YOUNG,

12 Civ. 4190 (WFK)(RER)

Plaintiff,

**(PROPOSED)  
ORDER OF COMPROMISE**

-against-

CITY OF NEW YORK; New York City Police (“NYPD”)  
Detective JAMES RIVERA, Shield # 5027;  
NYPD Detective EDWARD SINCLAIR, Shield # 5116;  
NYPD Detective WARRAN ROHAN, Shield # 2378;  
NYPD Detective WALIUR RAHMAN, Shield # 6428;  
NYPD Detective SAMUEL LALLAVE, Shield # 3824;  
and NYPD Lieutenant JOHN COSTIN,

Defendants.  
-----X

**WHEREAS**, plaintiff Faith Green Young, as Administratrix of the Estate of James Young, commenced the above-captioned action in the Eastern District of New York, 12 Civ. 4190 (WFK)(RER);

**WHEREAS**, on April 30, 2014, the parties entered into a Stipulation of Settlement and Order of Dismissal settling plaintiff’s case for Eight Hundred Thirty-Two Thousand Five Hundred Dollars (\$832,500.00);

**WHEREAS**, on April 30, 2014, the Court endorsed the Stipulation of Settlement and Order of Dismissal settling plaintiff’s case for Eight Hundred Thirty-Two Thousand Five Hundred Dollars (\$832,500.00); and

**WHEREAS**, pursuant to N.Y. E.P.T.L. § 5-4.6, plaintiff Faith Green Young has requested that this Court approve counsels’ attorneys’ fees and disbursements.

**IT IS ORDERED** that:

1. The Stipulation of Settlement and the \$832,500.00 settlement (100% to wrongful death for economic loss to Faith Green Young resulting from James Young's death) to resolve this action are approved. Plaintiff Faith Green Young, as Administratrix of the Estate of James Young, is authorized to settle and discontinue the claims and causes of action of the estate against the defendants.

2. No later than ninety (90) days from defendant City of New York's receipt of the "Affidavit of Status of Liens of Plaintiff Faith Green Young as Administratrix of the Estate of James Young" executed by plaintiff Faith Green Young and a General Release executed by plaintiff Faith Green Young, the City of New York shall deliver to plaintiff's counsel a check made payable to "Emery Celli Brinckerhoff & Abady LLP, as Attorneys for Faith Green Young, as Administratrix of the Estate of James Young," in the amount of Eight Hundred Thirty-Two Thousand Five Hundred Dollars (\$832,500.00) (hereinafter the "Settlement Amount").

3. Plaintiff's counsel shall deposit the Settlement Amount in an interest bearing escrow account (the "Account").

4. Of the Settlement Amount, \$277,500.00 is approved as the attorneys' fees of plaintiff's counsel, Emery Celli Brinckerhoff & Abady LLP and Siegel Teitelbaum & Evans, LLP, for services rendered to the Administratrix in connection with this action.

5. Of the Settlement Amount, \$10,837.21 is approved as disbursements of Emery Celli Brinckerhoff & Abady LLP as attorneys for the Administratrix herein.

6. Of the Settlement Amount, \$11,250 is approved as future anticipated costs and shall be placed in an interest-bearing escrow account to be used by Emery Celli Brinckerhoff & Abady LLP and/or Siegel Teitelbaum & Evans, LLP to cover costs incurred in connection with the estate distribution proceeding in Surrogate's Court, Kings County.

7. To the extent not already paid, Emery Celli Brinckerhoff & Abady LLP shall pay from the Account all due and payable expenses, excluding attorneys' fees, approved by the Court.

8. All attorneys' fees approved by this Court for the prosecution of this action, inclusive of all disbursements, shall be immediately payable from the Settlement Amount upon submission to this Court of proof that a petition for allocation and distribution has been filed in the Kings County Surrogate's Court on behalf of the decedent James Young's estate.

9. Emery Celli Brinckerhoff & Abady LLP and Siegel Teitelbaum & Evans, LLP shall continue to serve as attorneys for the estate until the entry of a final decree in the Surrogate's Court.

Dated: \_\_\_\_\_, 2014

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HON. WILLIAM F. KUNTZ U.S.D.J.